

Remarks

Reconsideration and further examination is respectfully requested in light of the foregoing amendment, and in consideration of these remarks.

Claim 4 stands allowed.

The Examining Attorney rejected Claims 6 and 10 on the basis of Nakatani, U.S. Patent 5,476,155 under 35 U.S.C. 102(b). Claims 7 through 9 were rejected on the basis of Section 103 over Nakatani (US 5,476,155) in view of Cheney (US 2,507,887).

All rejections are traversed in this paper. Accordingly, Claims 4, and 6 through 10 are pending in this application.

Location of Support for Amendments:

Applicant appeals to the following locations for support for the amendments made herein.

Other locations may be more or less relevant. Applicant requests the Examiner to consider these locations, and any others that may be relevant.

Claim 6 (as amended): For support in the specification, Applicant directs the Examiner to paragraphs [0021] and [0035] (among possibly others), each of which Applicant believes support the amendments made.

Claim 10 (as amended): For newly added independent claim 10, Applicant points to paragraphs [0021] and [0035] (among possibly others), each of which Applicant believes support the amendments made.

General Comment:

Applicant acknowledges that Claim 4 stands allowed, and cordially thanks the Examiner for the consideration of the issues previously discussed in connection therewith. Further argument in connection with Claim 4 is not believed necessary in light of its state of allowance.

Response to Rejections: Section 102(b) Issues:

Basis: The Examiner rejected Claims 6 and 10 on the basis of Nakatani (U.S. 5,476,155).

Argument: The Applicant has amended Claims 6 and 10. Claim 6 now refers to the upper wheel as “positioned to maintain downward force against the rail”, and refers to the lower wheel as “positioned to maintain upward force against the rail”. Claim 10 now refers to the upper wheel as “maintained in contact with an upward facing surface of the rail”, and refers to the lower wheel as “maintained in contact with a downward facing surface of the rail”.

Applicant respectfully suggests that insofar as Applicant understands Nakatani and the comparison, Nakatani does not comply with or teach any such configuration. Specifically, looking to Nakatani, it appears to Applicant that structure 32 as cited by the Examiner for the “upper wheel” contacts the rail 6 (in the area of handrail 12) from below, not from above, contrary to amended claim 6. With respect to amended Claim 10, the force exerted by 32 on the rail would then not be understood to be downward. It should also be noted that element 32a,35a of Nakatani appears to contact rail structure 17 (at 17a) from below, and to specifically show a gap between 32a,35a and the structure 17b (see Fig. 3). Applicant accordingly respectfully contends that a 102(b) rejection over Nakatani (U.S. 5,476,155) is not appropriate. This argument is not exclusive or exhaustive, and Applicant reserves the right to assert other distinctions, but does not deem such argument necessary in light of the force of the distinction just discussed.

Applicant respectfully seeks withdrawal of the rejection.

Response to Rejections: Section 103 Issues:

With respect to Claims 7 through 9, each claim depends from Claim 6. In light of the argument under 102(b), above, regarding Claim 6, Claim 6 is believed to be allowable and to overcome Nakatani. As dependent from an allowable claim, Claims 7 through 9 are also believed to be allowable.

Fees

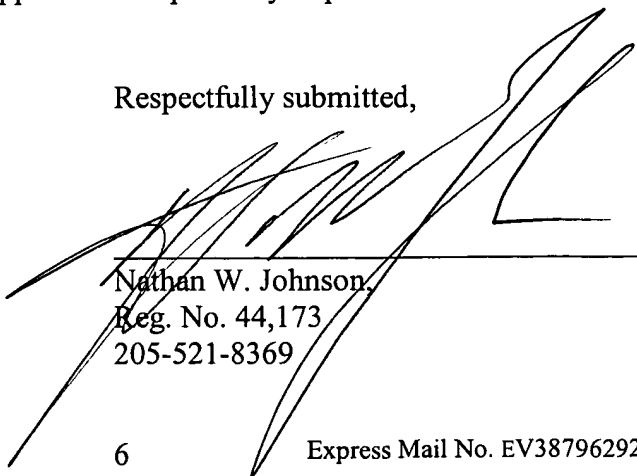
An extension of two months is hereby requested. A Credit Card Authorization Form in the amount of \$225 is enclosed herewith. This response therefore is timely. An authorization to charge deposit account 50-0954 is also enclosed to cover any deficiency. To the extent any petition is required in order for this response to be considered timely, or otherwise to maintain the pendency of this Application, this paper is deemed to include and to be such a petition.

Conclusion

Applicant respectfully submits that in light of the foregoing, all rejections to the application should be withdrawn. Applicant has diligently sought to comply with all requirements and to respond to any arguments. The Application is believed to be in condition for allowance, and early approval is respectfully requested.

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Respectfully submitted,



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